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#3

PATENT
BAYM:002US

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **PULSED-MULTILINE EXCITATION FOR COLOR-BLIND FLUORESCENCE DETECTION**, the Specification of which:



I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, United States provisional application(s), or inventor's certificate listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's certificate having a filing date before that of the application on which priority is claimed: NONE.

| PRIORITY APPLICATION(S) | | | Priority Claimed |
|--------------------------------|-----------|--------------|-----------------------------|
| (Number) | (Country) | (Date Filed) | Yes/No |
| | | | |
| | | | |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below or any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56,

which become available between the filing date of the prior application and the national or PCT international filing date of this application: NONE.

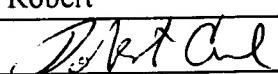
| | | |
|--------------------------|---------------|----------|
| (Application Serial No.) | (Filing Date) | (Status) |
| (Application Serial No.) | (Filing Date) | (Status) |

I hereby direct that all correspondence and telephone calls be addressed to Michael C. Barrett, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

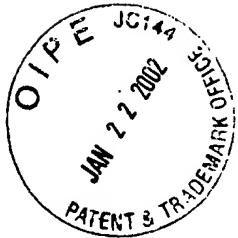
I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

| | | | |
|--|------------------------------------|-------|-------|
| Inventor's Full Name: | Graham | B. I. | Scott |
| Inventor's Signature: | | | |
| Country of Citizenship: | New Zealand | Date: | |
| Residence Address: (street, number, city, state, and/or country) | 14810 La Rana Houston, TX 77083 | | |
| Post Office Address: (if different from above) | | | |

| | | |
|--|--|----------------------------|
| Inventor's Full Name: | Carter | Kittrell |
| Inventor's Signature: | <i>Carter</i> <i>Kittrell</i> | |
| Country of Citizenship: | USA | Date: <i>Nov. 21, 2001</i> |
| Residence Address: (street, number, city, state, and/or country) | 2400 Braeswood #315 Houston, TX 77030 | |
| Post Office Address: (if different from above) | | |

| | | | |
|--|---|------------------------|------|
| Inventor's Full Name: | Robert | F. | Curl |
| Inventor's Signature: |  | | |
| Country of Citizenship: | USA | Date: October 30, 2001 | |
| Residence Address: (street, number, city, state, and/or country) | 1826 Bolsover Dr. Houston, TX 77005 | | |
| Post Office Address: (if different from above) | | | |

| | | | |
|--|--|-------|---------|
| Inventor's Full Name: | Michael | L. | Metzker |
| Inventor's Signature: | | | |
| Country of Citizenship: | USA | Date: | |
| Residence Address: (street, number, city, state, and/or country) | 7315 Brompton #342B Houston, TX 77025 | | |
| Post Office Address: (if different from above) | | | |



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DECLARATION

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is attached hereto.

was filed on **August 28, 2001** as Application Serial No. **09/941,165**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, United States provisional application(s), or inventor's certificate listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's certificate having a filing date before that of the application on which priority is claimed: **NONE**.

| PRIORITY APPLICATION(S) | | | Priority Claimed |
|--------------------------------|------------------|---------------------|-----------------------------|
| (Number) | (Country) | (Date Filed) | Yes/No |
| | | | |
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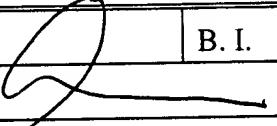
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which become available between the filing date of the prior application and the national or PCT international filing date of this application: NONE.

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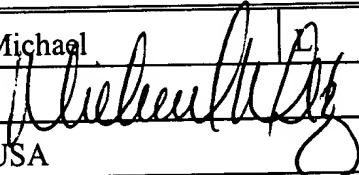
I hereby direct that all correspondence and telephone calls be addressed to Michael C. Barrett, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

| | | | |
|---|--|-----------------|-------|
| Inventor's Full Name: | Graham | B. I. | Scott |
| Inventor's Signature: |  | | |
| Country of Citizenship: | New Zealand | Date: //13-2001 | |
| Residence Address: (street, number, city, state, and/or country) | 14810 La Rana Houston, TX 77083 | | |
| Post Office Address: (if different from above) | | | |

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|---|--|-------|----------|
| Inventor's Full Name: | Carter | | Kittrell |
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| Post Office Address: (if different from above) | | | |

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|--|------------------------------------|-------|------|
| Inventor's Full Name: | Robert | F. | Curl |
| Inventor's Signature: | | | |
| Country of Citizenship: | USA | Date: | |
| Residence Address: (street, number, city, state, and/or country) | 1826 Bolsover Houston, TX 77005 | | |
| Post Office Address: (if different from above) | | | |

| | | | |
|--|---|------------------|---------|
| Inventor's Full Name: | Michael | | Metzker |
| Inventor's Signature: |  | | |
| Country of Citizenship: | USA | Date: 11/19/2001 | |
| Residence Address: (street, number, city, state, and/or country) | 7315 Brompton #342B Houston, TX 77025 | | |
| Post Office Address: (if different from above) | | | |

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Graham B. I. Scott
Carter Kittrell
Robert F. Curl
Michael L. Metzker

Serial No.: 09/941,165

Filed: August 28, 2001

For: PULSED-MULTILINE EXCITATION
FOR COLOR-BLIND FLUORESCENCE
DETECTION

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: BAYM:002US/MCB

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73
AND POWER OF ATTORNEY

Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, being an Assignee of record of an interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Louis T. Pirkey, Reg. No. 22,393; David D. Bahler, Reg. No. 30,932; David L. Parker, Reg. No. 32,165; Richard J. Groos, Reg. No. 32,231; Stephen D. Dellett, Reg. No. 32,564; William G. Barber, Reg. No. 33,154; Michael S. Metteauer, Reg. No. 34,875; Mark B. Wilson, Reg. No. 37,259; Daniel J. Brennan, Reg. No. 37,287; Steven L. Highlander, Reg. No. 37,642; John J. Bruckner, Reg. No. 35,816; Erik R. Nordstrom, Reg. No. 39,792; Stephen P. Meleen, Reg. No. 40,724; Robert E. Hanson, Reg. No. 42,628; Thomas M. Boyce, Reg. No. 43,508; Michael C. Barrett, Reg. No. 44,523; Mark T. Garrett, Reg. No. 44,699; and Gina N. Shishima, Reg. No. 45,104;

each an attorney or agent of the firm of FULBRIGHT & JAWORSKI L.L.P., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent,

and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Rice University, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Michael C. Barrett
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

ASSIGNEE:
Rice University

By: Daryl Boudreux
Name: Daryl Boudreux
Title: Director, Office of Technology
Transfer

Date: 12/12/01

ASSIGNMENT:

Concurrently filed
 Previously recorded
Date: _____
Reel: _____
Frames: _____